

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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J & J SPORTS PRODUCTIONS, INC.

Plaintiff 08 CV 2838

-AGAINST-

RINCON HAVANERO INC.  
d/b/a RINCON HAVANERO RESTAURANT  
and JOAQUIN RUBI

AFFIDAVIT FOR JUDGMENT  
BY DEFAULT

Defendant

-----X  
STATE OF NEW YORK )  
 ) ss:  
COUNTY OF NEW YORK )

Paul J. Hooten, being duly sworn, deposes and says:

I am a member of the Bar of this Court and am associated with the  
firm of Paul J. Hooten & Associates, attorney for plaintiff in the above-entitled action and I am  
familiar with all the facts and circumstances in this action.

1. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil  
Rules for the Southern District of New York, in support of plaintiffs application for the entry of a  
default judgment against defendant.

2. This is an action to recover the unauthorized exhibition of the telecast of the March 19,  
2005, boxing match between Erik Morales and Manny Pacquiao by the defendant. See attached  
summons and complaint attached hereto as Exhibit "A".

3. This action was commenced on March 17, 2008 by the filing of the summons and  
complaint. A copy of the summons and complaint was served on the defendant Rincon  
Havanero Inc. d/b/a on April 21, 2008 by service on Donna Christie, Clerk authorized to accept

and on Joaquin Rubi on April 29, 2008 by Nail and Mail. The defendant failed to appear at the Pretrial Conference scheduled for May 28, 2008.

4. This action seeks judgment in the amount of \$20,000.00, plus interest at 9% from March 19, 2005, amounting to \$5,700.00, plus attorney fees amounting to \$700.00, plus costs and disbursements of this action in the amount of \$470.00 amounting in all to \$26,870.00.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: Mt. Sinai, New York  
May 22, 2008

/s/ Paul J. Hooten  
Paul J. Hooten (PJH9510)

Sworn to before me this  
22<sup>nd</sup> day of May, 2008

/s/ Cheryl E. Lorefice  
Notary Public

Cheryl E. Lorefice  
Notary Public, State of New York  
No. 4999823  
Qualified in Suffolk County  
Commission Expires August 3, 2010

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**STATEMENT OF DAMAGES**

Defendant

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Amount of judgment ..... \$20,000.00

Interest at 9% from March 19, 2005 through Mayl, 2008 ..... \$ 5,700.00

Costs and Disbursements:

Clerk's fee ..... \$ 350.00

Process Server fee for service ..... \$ 120.00

Attorney fees ..... \$ 700.00

Total as of May, 2008.....\$26,870.00

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**CERTIFICATE OF SERVICE**

Defendant

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I certify that a copy of the Default Judgment, Affidavit for Judgment by Default, and Statement of Damages was sent via U.S. Postal Service, postage prepaid, first class mail, addressed to the following on May 22, 2008:

Rincon Havanero Inc.  
d/b/a Rincon Havanero Restaurant  
463 East Tremont Avenue  
Bronx, NY 10453

Joaquin Rubi  
463 East Tremont Avenue  
Bronx, NY 10453

Joaquin Rubi  
3003 Heath Avenue, Apt. 3  
Bronx, NY 10463

Joaquin Rubi  
2314 Ellis Avenue, Apt. 2  
Bronx, NY 10462

By: /s/ Paul J. Hooten  
Paul J. Hooten, Esquire  
Attorney for Plaintiff  
5505 Nesconset Highway, Suite 203  
Mt. Sinai, NY 11766  
Telephone No. 631-331-0547